Fred Sullivan Chairman

Janine L. Burke Executive Director



Warwick Sewer Authority

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BOARD MEETING MINUTES

AMENDED 6/14/2012

Thursday, May 24, 2012, 5:30 p.m.
Warwick Sewer Authority Conference Room
125 Arthur W. Devine Boulevard
Warwick, RI 02886

Board Members in attendance:	Guests:
Fred Sullivan, Chairman	Erik Meserve, P.E., AECOM
Aaron Guckian, Secretary	Denise Keenan, Good Morning Restaurant
Gary Jarvis	Attorney Richard Johnston
Steven Sylven, P.E.	Mark Menard
Peter Ginaitt	Stephen & Valorie Spellman
	Charles A. Giordano
	Roy Dempsey
	Richard Langseth
Staff present:	
Janine L. Burke, Executive Director	John Revens, Legal Counsel
BettyAnne Rossi, Pretreatment Coordinator	Patrick Doyle, Superintendent
Lynn F. Owens, Administrative Coordinator	Lynda Ortiz, Finance Customer Service Mgr.
Sarah Robertson, WSA Intern	Scott Goodinson, Asst. Superintendent

PUBLIC HEARING

WSA Enterprise Fund Budget FISCAL YEAR 2012/2013

Includes Industrial Pretreatment, Personnel Supplement and Capital Fund Report

At 5:30 p.m. Chairman Sullivan called this public hearing to order. Director Burke presented the WSA proposed budget for fiscal year ending June 30, 2013 as well as an explanation of each line item as prepared by WSA staff. Director Burke commented that the budget is a statement of priorities, and she thinks WSA is finally getting to a place where the budget reflects our important priorities; repayment of the general fund and maintenance of capital. She stated with the exception of the organizational changes proposed, salaries do not reflect any increases, per the Mayor's direction.

The Board reviewed in detail the line items and proposed budget figures. Director Burke stated the overall operation and maintenance budget is increasing approximately

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three percent due to increases in primary operating expenses such as sludge disposal, chemicals, and electricity; debt service is rising. She stated this budget includes repayment to the General Fund in the amount of nearly \$2.6 million, in concert with our rate study.

Director Burke discussed proposed reorganizational changes listed in the budget proposal, including eliminating the senior billing specialist position. With the implementation of a new billing software system, the amount of time required for billing activities has decreased, and sewer assessment billing work will decrease significantly with no new sewer construction financing available. Creation of a new clerk's position to assist the Industrial Pretreatment, Collections and Operation/ Maintenance divisions will save money and free up the managers' time by shifting the administrative and clerical tasks to a new full-time clerk. Director Burke recommended grade increases for three supervisory union employees, returning those positions to their previous pay levels given their level of responsibility and advanced licensing and certification. The proposed reorganizational changes include the creation of a GIS technician position and elimination of the administrative technical assistant position, making GIS an organizational priority. Director Burke stated her intent is to have the technical assistant fill the GIS position, with added duties and responsibilities.

The Board discussed the proposed organizational changes which included increasing the rate of pay for two supervisory union positions by two pay grades and one supervisory union position one pay grade. The Board recommended modifying the proposal, increasing the pay grades of only two supervisory union positions and only by one pay grade. Following review of commodities and services budget line items, debt service and capital improvements, the Chairman opened up the hearing to public comment.

Mr. Richard Langseth, executive director of the Greenwich Bay Watershed Group, asked if WSA joins in the State procurement process for commodities. Director Burke stated WSA purchased the GIS system using the State Master Price Agreement (MPA), and following the Flood of 2010 many items were purchased using the MPA. Mr. Langseth suggested all sewer authorities join together to realize savings through bulk purchasing. Director Burke said her professionals' organization has talked about that, and RIDEM has encouraged us to do that. Mr. Langseth stated maybe a member of the public could step forward to facilitate that; he offered to speak with the Governor's office about the matter.

Mr. Langseth asked if there is any plan to seek bond funds for additional sewer construction projects. Director Burke stated the debt service line item does not reflect any additional bond authorization, other than the \$2.25 million to repay WSA's conduit loan fund for the Cedar Swamp line collapse.

Mr. Langseth asked what happens on September 1st. Director Burke stated annually a debt service payment is made by the City on behalf of WSA because we don't have the cash on hand at that point in the fiscal year. She stated that WSA's approved rate study is a structured plan to allow us to pay back the City's general fund and then build up a reserve fund to pay our debt service every September.

Mr. Langseth asked about outsourcing certain services for a lower cost, rather than using city employees. Director Burke stated in many cases using city services is less expensive.

Mr. Roy Dempsey asked about the increase in Professional Services line item. Director Burke stated the increase reflects a jump in legal fees related to litigation, and planned engineering or legal services for the updating of our sewer use ordinance.

Mr. Dempsey asked where in the budget is the reserve fund. Director Burke stated there is no reserve fund yet; WSA's first priority is to repay the general fund. She stated we have budgeted nearly \$2.6 million to repay the general fund in FY13. Mr. Dempsey asked if the City's budget will reflect that as income. Director Burke said she believes it should show up as a reduction in a liability; it goes to the balance sheet. Mr. Dempsey asked if this budget reflects an increase in rates. Director Burke stated there is a planned and approved rate increase of about 14%. Mr. Dempsey asked if there was not a repayment to the City, would the rates go up. Director Burke stated the whole rate study was based on WSA's plan to repay the City and planning for capital improvements going forward, including the plant upgrade.

Mr. Dempsey expressed concern about the rate increase and the impact on customers.

Hearing no further public comment, Chairman Sullivan closed this public hearing at 6:15 p.m.

REGULAR BUSINESS

1. Call to Order At 6:17 p.m. Chairman Sullivan called this regular business meeting to order.

2. Approval of Minutes

a. Approval of minutes from the regular meeting held April 26, 2012.

ACTION: Mr. Sylven moved approval of the minutes. Mr. Jarvis seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

3. Industrial Pretreatment Program (IPP)

a. Good Morning Restaurant, 1707 Warwick Avenue, Warwick, to appear before the Board for a Show Cause Hearing regarding failure to install a grease trap and failure to provide a wastewater discharge permit application form and fee to the IPP Division.

ACTION: Property owner Denise Keenan in attendance. WSA laboratory director and Industrial Pretreatment Program (IPP) coordinator BettyAnne Rossi presented the facts and provided the Board with a detailed

summary report. She stated for the last two years IPP has been trying to get Good Morning Restaurant to provide us with a permit and to install a grease trap at the restaurant. Ms. Rossi stated since sending out the certified notice of this show cause hearing, the business has installed a grease trap. She stated an incomplete application for a permit was filed with WSA yesterday. Ms. Rossi offered her assistance in completing the application. The IPP Division is recommending a \$1,000 fine.

Mr. Guckian suggested a fine of \$500.00 be levied, allowing the proprietor to pay over ten months in \$50.00 increments. Mr. Sylven stated this has gone on for two years. Speaking to Ms. Keenan, he said if you had a financial situation that prevented you from paying, you should have brought it to us. He stated he agrees with Mr. Guckian's suggestion. Mr. Ginaitt stated he was agreeable to reducing the fine to \$250 if the permit application is filed within seven days. Ms. Rossi stated the permit fee is \$200 per year (confirmed based on seating capacity); failure to pay permit fees has an economic benefit to Good Morning Restaurant. Mr. Revens pointed out that every restaurant in the City must have a grease trap in order to operate. He said there is an expense to remove and dispose of the grease; without the grease trap, the waste is discharged to the City's sewer system.

Chairman Sullivan asked for a motion to close the hearing. Mr. Jarvis moved to close this show cause hearing. Mr. Sylven seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

Mr. Guckian moved to fine Good Morning Restaurant \$500, payable over ten months, with the agreement that the owner complete the permit application and abide by IPP regulations. Mr. Jarvis suggested that if during the ten month period the establishment does not meet the terms of the agreement, the \$1,000 fine be reinstated. Mr. Guckian made the motion with Mr. Jarvis' stipulation included. Mr. Sylven seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

4. Operation and Maintenance Division

a. Increase value of RI Resource Recovery Corporation drawdown purchase order to cover expenses through June 30, 2012: \$4,200.00

ACTION: Mr. Guckian moved approval. Mr. Jarvis seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

b. Disposal of grit at Central Landfill: RI Resource Recovery Corporation, Fiscal Year 2013 contract ACTION: Mr. Jarvis moved approval. Mr. Sylven seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

5. Facilities Plan Amendment

a. AECOM to submit progress report

Erik Meserve, P.E., AECOM, provided a progress report to the Board. He stated a final report will be presented to WSA and submitted to RIDEM.

Mr. Meserve reported on the phosphorous removal project.

6. March 30, 2010 Pawtuxet River Flooding

- **a.** Financial Report of Flood Expenses: Director Burke provided the Board with a report of flood recovery work expenses submitted to FEMA for reimbursement.
- **b.** Flood Protection Study: AECOM to submit progress report

Mr. Meserve stated AECOM is wrapping up a few items on the flood protection study; the report is being finalized and will be available shortly.

c. Bellows Street Pumping Station Crossman Engineering to submit progress report

Director Burke stated Crossman has provided WSA with a progress report. She stated we are waiting for the EDA engineer to finalize his comments on the bid specifications. She thanked Mr. Sylven for his comments on this project. She stated we are hoping to go out to bid by June 1st; the itemized schedule must be updated.

7. Collection Systems Division

a. Bid #2012-272 Purchase (1) 2012 GMC Canyon 4WD Extended Cab Pickup Truck (or equivalent)

ACTION: Board members asked that WSA consider purchasing used vehicles or leasing them going forward. Superintendent Doyle stated this particular vehicle includes \$3,200 in additional equipment not asked for in the bid specifications, and therefore, not included in the bid price. After review of the one bid received for this special purpose vehicle, Mr. Ginaitt moved approval of the new truck purchase. Mr. Sylven seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

b. Construction Services

- i. Governor Francis Farms Phase II.
- ii. Bayside IV/Longmeadow

Director Burke stated we continue to get new connections from the Longmeadow project area (25%) as well as the Governor Francis Farms Phase II project area (54%) as of this date; Sandy Lane is at 61%. She stated we are waiting for the final engineering bill on Governor Francis Farms Phase II. She stated final paving is ongoing in the Longmeadow project area.

- **c.** Engineering Services (Future Project Planning)
 - i. Bayside I-III: update report
 - ii. Governor Francis Farms Phase III.
 - iii. Northwest Gorton Pond: Proposal to complete engineering and design work for project area, Garofalo & Associates, Inc.
 - iv. O'Donnell Hill: Proposal to complete engineering and design work for project area, Garofalo & Associates, Inc.

Director Burke stated there is no activity on these projects, other than continuing to meet with the EPA and the Narragansett Indians to get to an agreement on the Bayside Projects. She stated GRA is pulling together a proposal from PAL and the Narragansetts for continuing archaeological investigations on Tidewater Drive. She stated she should have something to present to the Board in the next month or so.

Director Burke stated as soon as Mat Solitro has some time he will make efforts to secure a pump station lot in GF III. She said she had not heard from Garofalo on Northwest Gorton Pond or O'Donnell Hill.

8. Billing Services Division

a. WSA Sewer Usage Adjustment Policy Review and Approval of policy

ACTION: Director Burke presented a memo to the Board regarding this proposed policy.

Mr. Sylven moved approval to adopt the policy requiring a deduct meter to properly record outside water usage. Mr. Guckian seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

Director Burke stated customers will be notified in our next billing.

b. Sewer Assessment Abatement

Name	Service Address	Reason	Amount
Mark Menard	215 Draper Avenue	Reduce assessment to frontage due to	\$69,552.70
Rita Menard	Plat 354 Lot 302	CRMC land use restrictions and	
		evidence of wetlands	

ACTION: Tabled from April 26, 2012

Attorney Richard Johnston present with his client Mark Menard. He stated he met with Director Burke following the last board meeting; unfortunately, no satisfactory agreement was reached. He recapped his argument that the sewer assessment abatement being considered (resulting in a new assessment of \$14,678) does not relieve the inequity in that only one house is served by the sewer line, and other houses on the street have assessments ranging from \$5,000 to \$8,000. He said his client was asking that the property be assessed on between 100 and 110 feet of frontage, taking into consideration the portion of frontage along the wetlands. He stated they are agreeable to stipulating that if the property is ever developed it would be subject to further assessment.

Director Burke stated she feels the assessment abatement being considered tonight (reduced assessment due to wetlands) is equitable and does not think using the wetlands to further reduce the assessable frontage is appropriate. She stated she made a site visit to the lot and the map is reflective of the situation.

Mr. Sylven stated it appears the assessment is inequitable; he does not think it's fair to include the portion of the wetlands in the frontage. He feels the property owner has presented enough evidence to support his position.

Mr. Ginaitt stated he did not disagree there is an inequity here, but this Board must be consistent in its assessments. He stated the right thing to do is to approve the assessment at 179 feet, under the letter of the law. He stated he could support further reduction as long as there is some caveat that we can imbed in the rules that the assessments will never go below the average assessment in a project area.

Mr. Jarvis cautioned the Board about pursuing this course.

Mr. Revens stated the assessment abatement that Ms. Burke was recommending is consistent with WSA regulations. He stated Mr. Jarvis' assessment subcommittee has spent a year addressing WSA's assessment regulations, objectively analyzing methods of assessment in order to equitably recover the costs of sewer construction; funds were added to the budget to pursue changes to the regulations and enabling act next fiscal year. He stated a uniform assessment method is being considered.

Mr. Sylven encouraged the effort to change the enabling legislation regarding sewer assessments. He stated the fairest method has everyone paying an equal amount.

Following extensive discussion, Chairman Sullivan made a motion to close the hearing. Mr. Guckian seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion passes.

Mr. Sylven made a motion to change the assessment method from acreage to frontage, and eliminate the frontage along the wetland area, (thereby) assessing the parcel on 114 feet of frontage, with the caveat if for some reason the property can be subdivided, WSA reserves the right to re-assess the property.

Mr. Ginaitt seconded the motion. Messrs. Ginaitt, Guckian and Sylven voted in favor of the motion. Chairman Sullivan and Mr. Jarvis voted against the motion. Motion passes 3-2.

Mr. Ginaitt suggested WSA more aggressively pursue changes to our enabling legislation regarding sewer assessment equity. Addressing Attorney Johnston about Mr. Menard's outburst on the way out the door, Mr. Ginaitt stated WSA tries every day to deal with what we have before us. He stated tonight we made a decision which goes against the grain of our enabling legislation; your client received a great benefit tonight. Mr. Ginaitt stated we are punished by our outdated regulations and are challenged to consider the equity of these assessments.

c. Sewer Assessment Abatement

Name	Service Address	Reason	Amount
Joan A. Edge Revocable Trust	77 Maplehurst Avenue Plat 354 Lot 72	Initially assessed at 125 feet of frontage; actual frontage is 75 feet	\$4,100.00
Michael & April DelGuidice	21 School Street Plat 34 lot 169	Initially assessed at 70 feet of frontage; actual frontage is 67 feet	\$246.00
Steven S. & Valorie A. Spellman	83 Maplehurst Avenue Plat 354 Lot 70	Initially assessed on 102 feet of frontage; actual frontage is 100 feet	\$164.00
Eastern Structures Inc.	v/I Saint George Circle Plat 314 Lot 95	Property is Right of Way for driveway and utility easements for 48A & B St. George Court	\$5,740.00

ACTION: Mr. Jarvis moved to accept the Edge and DelGuidice abatements. Mr. Sylven seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

Mr. and Mrs. Spellman present to ask for a reduction of their assessment beyond the 2 feet listed on the board docket. Mr. Spellman stated their property is on a dead end; the road frontage at their property is 50 feet and was confirmed by measurements taken by WSA Inspector Andy Bathgate. Mrs. Spellman referenced the WSA assessment brochure that states properties are assessed on the frontage at the city street. She stated the land measures 100 feet but the street only extends fifty feet. Mr. Spellman stated the current assessment is inequitable.

Director Burke stated the property has been assessed in accordance with WSA regulations. Attorney Revens explained that WSA assesses based on the

frontage as detailed on a plat map, not the length of pavement in front of the property.

Chairman Sullivan stated the Board can vote on what is listed on the agenda. He encouraged the Spellmans to speak with staff about pursuing additional adjustments. He asked for a motion to close this hearing. Mr. Jarvis moved to close this hearing. Mr. Sylven seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion passes.

Mr. Ginaitt moved approval of the abatement as listed on the docket. Mr. Sylven seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

Mr. Sylven asked if the Spellmans can re-file a request for further consideration. Attorney Revens stated yes, but the same facts will apply. The Spellmans did not file an appeal with the Sewer Board of Review.

Regarding Eastern Structure assessment abatement, Mr. Guckian moved approval. Mr. Jarvis seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion passes.

d. Sewer Assessment Abatement

Name	Service Address	Reason	Amount
Charles A. Giordano	239 Warwick Neck Avenue Plat 358 Lot 268	Connected via vacant lot on Capen; abate pending recording of easement and supplement to Lot 270	\$1,082.63
Charles A. Giordano	v/l Warwick Neck Avenue Plat 358 Lot 269	Lot contains sewer easement; abate pending recording of easement and supplement to Lot 270	\$951.97

ACTION: Mr. Giordano present. Director Burke explained the unique situation at the property. Mr. Giordano stated he was in agreement with WSA's recommended action.

Mr. Jarvis moved approval. Mr. Sylven seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

e. Sewer Assessment Supplement

Name	Service Address	Reason	Amount
Charles A. Giordano	v/l corner of Capen and Warwick Neck Avenue Plat 358 Lot 270	Previously assessed, but at incorrect frontage; supplement by 10 feet.	+\$440.00

ACTION: Mr. Ginaitt moved approval. Mr. Guckian seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

f. Sewer Usage Abatement

Name	Service Address	Reason	Amount
Thomas & Diane	331 Asylum Road	New sprinkler system installed; deduct	\$868.78
Mercurio	Plat 363 Lot 313	meter purchased April 2012. Reduce	
		bill for water not returned to WSA	

ACTION: Mr. Jarvis moved approval. Mr. Ginaitt seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

9. Administrative Items

- a. Enterprise Fund Budget Fiscal Year 2012-2013
 - i. Review of Public Hearing information and comments
 - ii. Adopt the budget for fiscal year beginning July 1, 2012 and ending June 30, 2013

ACTION: Director Burke requested the Board's approval of the budget's bottom line before she presents it to the City Council on May 31st. She stated she did not hear any significant public comments presented at tonight's public hearing that would alter the bottom line, other than Mr. Dempsey's thought that the City might let WSA pay them back slower. She stated we've asked that question before; they said no.

Mr. Guckian made a motion to approve the bottom line of the proposed WSA budget for fiscal year 2012-13 (\$21,438,454.00). Mr. Sylven seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved. Director Burke thanked the Board.

b. Director's Report

- i. Financial Report
- ii. Administrative Schedule

Director Burke introduced WSA's new Assistant Superintendent, Scott Goodinson. She stated he has over 20 years as wastewater management experience, most recently with Cranston and West Warwick, and he is a resident of Warwick. She stated he will start work the first week of June.

Director Burke stated we are looking to hire a second year URI civil engineering student to GPS locate our manholes and upload that into GIS over the summer. She confirmed that WSA data is in the GIS system and available for mapping. Mr. Ginaitt wanted to make

sure the software is being utilized and the GIS program is up to date.

Director Burke stated Superintendent Doyle hooked up with an energy entrepreneur who has set up shop directly across the river from WSA and is interested in possibly leasing our mothballed anaerobic digesters. She stated the name of the company is Tomorrow Biofuels and they are making biofuel from algae. She said although we produce some algae here, they are much more interested in the effluent water which is full of nutrients. Director Burke stated they can also take the sludge and reduce the volume of that as well as produce energy from the methane and carbon dioxide that is generated during digestion. She stated it's a very intriguing proposal and planned to continue the conversation. She thanked Superintendent Doyle for being open-minded about the opportunity.

- **c.** Chairman's Report: no report.
- **d.** Sewer Assessment Committee Report: no report.

10. Consent Agenda - Drainlayers

- a. Jeff Johnston/Luca Construction, 16 Spur Road, Foster
- **b.** Tom DiPetrillo, 45 Tarawa Drive, Warwick

ACTION: Mr. Jarvis moved to accept the consent agenda. Mr. Guckian seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

11. Consent Agenda - Correspondence

- **a.** WSA to Senator McCaffrey regarding S-2086 (4-18-12)
- **b.** WSA to Representative NcNamara regarding H-7936 (4-18-12)
- **c.** WSA to EDA regarding Bellow Street grant, financial report (4-26-12)
- **d.** WSA to City Council on April 2012 Financial report (5-4-12)
- **e.** Homeowner Safety Valve quarterly report/revenue share (5-7-12)
- **f.** WSA letter to grinder pump customers (5-11-12)
- **g.** City press release on sewer tie-in grants (5-17-12)

Director Burke made note of the sewer tie-in grant press release. She thanked the Board for funding the grant and loan programs; the funds are helping Warwick property owners and bringing us customers.

Mr. Guckian stated WSA should consider a lobbyist for the months of May and June to stay on top of the General Assembly and to lobby for WSA policies. Director Burke agreed. Chairman Sullivan asked legal counsel if

he could perform those tasks for WSA. Mr. Revens stated we can work on that with Ms. Burke for the next session.

ACTION: Mr. Jarvis moved approval of the consent agenda items. Mr. Guckian seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

12. New Business

Introduction of new business to be docketed for an upcoming meeting or to be referred to the executive director or legal counsel for comment.

13. Old Business

- a. WSA Deferment Policy
- **b.** Mandatory Sewer Connection Program
- **c.** Amendments to By-Laws
- d. Modifications to Septage Hauling Regulations
- e. Infrastructure Improvement: 48" line under Interstate 95
- f. IPP Local Limits Study
- g. WSA Resolution Supporting Revenue Bond Issuance for new sewer construction projects

14. PUBLIC COMMENT PERIOD: No members of the public present.

Chairman Sullivan rescheduled the June meeting to June 14, 2012.

15. Adjournment

Mr. Jarvis moved to adjourn. Mr. Sylven seconded the motion. Chairman Sullivan, Messrs. Ginaitt, Guckian, Sylven and Jarvis voted in favor of the motion. Motion approved.

Aaron Guckian, Secretary	

At 8:28 p.m. this meeting ended.